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## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

Chairman Richard J. Durbin  
U.S. Senate Committee on the Judiciary  
Dirksen 224  
Washington, DC 20510

May 18, 2022

Dear Chairman Durbin,

Last week, we received a letter from Ms. Nusrat Choudhury, one of President Biden's judicial nominees. Her letter disclaims her own repeated testimony during her nominations hearing. This requires additional clarification and testimony before Ms. Choudhury is considered for a vote.

At the hearing, Senator Kennedy asked Ms. Choudhury about materials she provided to the Judiciary Committee. Specifically, he asked whether she said that the killing of unarmed Black men by police "happens every day in America."<sup>1</sup> Ms. Choudhury replied, "Senator, I don't recall that statement, but it is something I may have said in that context." In other words, she thought it was certainly the type of thing she would say, even if she didn't remember that specific statement.

She was more definitive when asked whether she thought the statement was true. She asserted three times that she made the statement "in my role as an advocate." She emphasized that this advocacy was "rhetorical." Rather than arguing that the claim was blatantly false, Ms. Choudhury chose to defend it.

After the hearing, organizations supporting law enforcement officers voiced strong opposition to her nomination. As the Fraternal Order of Police explained, her false statement "buttressed the increased public bias against law enforcement officers and contributed to the barrage of false and hateful rhetoric that inspires others to violence." She also "helped to erode the bonds of trust between law enforcement and the communities they protected by misrepresenting the facts."

In addition to the Fraternal Order of Police, organizations that have publicly opposed Ms. Choudhury's nomination include the National Sheriffs' Association, the NYPD Sergeants Benevolent Association, and the United Coalition of Public Safety (which includes Las Vegas

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<sup>1</sup> See Nusrat Jahan Choudhury Senate Judiciary Questionnaire Attachments 12(d) at 133 (SAOC – Students and Alumni of Color (@SPIA\_SAOC), Twitter (Mar. 28, 2015, 5:35 PM), [https://twitter.com/SPIA\\_SAOC/status/581932721854894080](https://twitter.com/SPIA_SAOC/status/581932721854894080)).

Police Protective Association, Los Angeles Police Protective League, Sacramento Police Officers Association, San Francisco Police Officers Association, San Jose Police Officers Association, Seattle Police Officers Guild, and State of Hawaii Organization of Police Officers).

Two full weeks after the hearing and strong public opposition, Ms. Choudhury sent the Judiciary Committee a letter denying that she ever made the statement. This letter looks like a piece of “rhetorical advocacy” and blatant “confirmation conversion” by Ms. Choudhury.

The letter claims that Ms. Choudhury may have “left open the possibility that” she made the statement. That does not accurately reflect her hearing testimony because it ignores the three times Ms. Choudhury testified that she made the statement as an advocate. The letter also expresses “regret” for failing to acknowledge this statement is false. But Ms. Choudhury never explains why she bizarrely refused to say this at the hearing. The letter labels the tweet memorializing her statement as “anonymous” and mischaracterizes the tweet as inaccurate “press coverage.” In fact, the organization that hosted the event sent the tweet. Nor can that organization fairly be described as “anonymous,” given that Ms. Choudhury was invited by the organization to speak and returned two years later to accept an alumni award from it. Ms. Choudhury’s letter omits that context, and senators must have the opportunity to ask her why.

Additionally, Ms. Choudhury stated three times that she made the statement in her role as an advocate, so there was little reason to ask her why she thought that the statement “the killing of unarmed Black men by police happens every day in America” “is something [she] may have said in that context.” Now that she has renounced her statements, senators need to have the chance to ask her about this.

If nominees are allowed to testify one way before the Judiciary Committee and then send a letter reversing themselves, it would be a new level of deterioration for the nominations process. The claims in Ms. Choudhury’s letter directly contradict her hearing testimony and severely undermine her credibility. Before the Judiciary Committee considers her nomination, Ms. Choudhury must return to answer questions about that contradiction. Please delay consideration of her nomination until she can be scheduled to testify at another hearing.

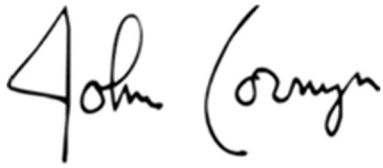
Sincerely,



Chuck Grassley  
Ranking Member  
Committee on the Judiciary



Lindsey O. Graham  
United States Senator  
Committee on the Judiciary



John Cornyn  
United States Senator  
Committee on the Judiciary



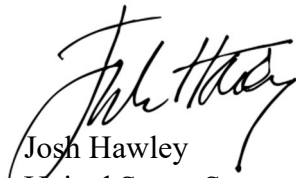
Michael S. Lee  
United States Senator  
Committee on the Judiciary



Ted Cruz  
United States Senator  
Committee on the Judiciary



Ben Sasse  
United States Senator  
Committee on the Judiciary



Josh Hawley  
United States Senator  
Committee on the Judiciary



Tom Cotton  
United States Senator  
Committee on the Judiciary



John Kennedy  
United States Senator  
Committee on the Judiciary



Thom Tillis  
United States Senator  
Committee on the Judiciary



Marsha Blackburn  
United States Senator  
Committee on the Judiciary